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Review Conference on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks
New York, 24-28 May 2010

Financial report on the status of the Assistance Fund under Part VII of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

Note by the Secretariat

1. By its resolution 58/14, the General Assembly decided to establish an Assistance Fund under Part VII of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks to assist developing States parties in the implementation of the Agreement. Pursuant to that resolution, the Fund is administered by the Food and Agriculture Organization of the United Nations (FAO), which acts as the implementing office for the Fund, in collaboration with the United Nations. The terms of reference for the Assistance Fund provide that, in addition to the submission of an annual report on activities of the Fund, a report on the activities of the Fund, to date, including a financial statement of the contributions to and disbursements from the Fund, shall be presented to the Review Conference provided for under article 36 of the Agreement.

2. Pursuant to that requirement, the Secretariat hereby transmits the FAO report on the activities of the Fund, dated February 2010.

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Financial report as at 31 December 2009 on the status of the Assistance Fund under Part VII of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

February 2010[1]

I. Introduction

1. In November 2003, the General Assembly, in its resolution 58/14, established the Assistance Fund under Part VII of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (1995 United Nations Fish Stocks Agreement) to assist developing States parties in the implementation of the Agreement. It also decided that the Fund would be administered by the Food and Agriculture Organization of the United Nations (FAO). The Fund, which was set up on 19 April 2005,[2] is managed in accordance with its terms of reference and the FAO Financial Regulations as well as other applicable rules.

II. Contributions to the Assistance Fund

2. The United Nations and FAO have continued to make calls for contributions to the Assistance Fund at international forums including sessions of the United Nations General Assembly and the FAO Committee on Fisheries as well as on the website of the Assistance Fund.[3]

3. As at 31 December 2009 the Governments of Canada, Iceland, Lebanon, New Zealand, Norway and the United States of America, all States parties to the 1995 United Nations Fish Stocks Agreement, had made financial contributions to the Assistance Fund totalling $836,153. Table 1 (see annex) shows contributions to the Fund together with accrued interest. As at 31 December 2009 the Fund's total receipts were $886,985. In 2009, two contributions totalling $21,500 were received from the Governments of Lebanon and New Zealand.

4. States, intergovernmental organizations, international financial institutions, national institutions, non-governmental organizations and natural and juridical

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[1] The present report is submitted in accordance with paragraph 22 of the terms of reference for Assistance Fund under Part VII of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.

[2] Account MTF/GLO/124/MUL "1995 United Nations Fish Stocks Agreement, Part VII, Trust Fund".

[3] http://www.un.org/Depts/los/convention_agreements/fishstocktrustfund. Contributions to the Fund should be made to the trust fund account established by FAO in accordance with paragraph 7 of the terms of reference of the Fund.

persons wishing to make contributions to the Assistance Fund are encouraged to do so and they should direct their payments to the following FAO bank account:

Bank: HSBC New York
Address: 452 Fifth Avenue, New York, NY, USA, 10018
Account No.: 000156426
Swift/BIC: MRMDUS33
ABA/Bank Code: 021001088
Citing project: MTF/GLO/124/MUL

III. Requests for assistance from the Fund

5. Information about the existence and purpose of the Assistance Fund has been disseminated widely by the United Nations and FAO, including through electronic means, international meetings and contacts with relevant regional fisheries bodies. In 2009, 29 travel applications were funded. Three applications were not funded, however, because the one-month advance notice rule was not respected and one person was unable to travel after the application was processed. The number of travel requests in 2009 increased slightly over the level in 2008 (28 applications). In addition, the Panel of Experts was convened five times in 2009.

6. Table 2 (see annex) provides details of expenditure from the Assistance Fund as at 31 December 2009. Expenditure is categorized according to the purposes for which assistance is permitted and by administrative expenses, as reflected, respectively, in paragraphs 14 and 21 of the Fund's terms of reference.

7. In 2009, total expenditure from the Fund was $332,521. This amount was 128 per cent higher than in 2008 ($145,695). Of the total expenditure in 2009:

(a) 23.6 per cent supported participation in technical and annual sessions of regional and subregional fisheries management organizations and arrangements (Commission for the Conservation of Antarctic Marine Living Resources, Indian Ocean Tuna Commission, International Commission for the Conservation of Atlantic Tuna, South-East Atlantic Fisheries Organization, the Western and Central Pacific Fisheries Commission and the second joint meeting of tuna regional fisheries management organizations) (para. 14 (a) of the terms of reference);

(b) 22.4 per cent supported participation in meetings of global organizations (2009 FAO Committee on Fisheries and sessions of the FAO Technical consultation to draft port State measures to prevent, deter and eliminate illegal, unreported and unregulated fishing, as well as the eighth round of informal consultations of States parties to the 1995 United Nations Fish Stocks Agreement) (para. 14 (b) of the terms of reference);

(c) 13.0 per cent supported participation in negotiations to establish new regional and subregional fisheries management organizations and arrangements and a Pacific Islands workshop to assist Pacific Island countries to prepare for and participate more fully in the final round of negotiations for the South Pacific Regional Fisheries Management Organization (para. 14 (c) of the terms of reference);

(d) 14.4 per cent supported the finalization of work for the development of a regional shark plan for the Pacific Islands (para. 14 (d) of the terms of reference);

(e) Zero expenditure on facilitating exchange of information and experience on the implementation of the Agreement (para. 14 (e) of the terms of reference);

(f) 22.3 per cent supported capacity-building activities through two South Pacific regional workshops addressing (i) the management of tuna data and (ii) tuna stock assessment, ecosystem and by-catch (para. 14 (f) of the terms of reference);

(g) Zero expenditure on dispute settlement (para. 14 (g) of the terms of reference);

(h) 4.4 per cent was devoted to administration, including mandatory FAO insurance expenses, staff overtime for processing requests and the preparation of FAO letters of agreement and a 6 per cent project servicing cost for certain projects.

IV. Panel of Experts

8. During 2009 the Panel of Experts was convened five times. This was done to consider requests from:

(a) The Pacific Islands Forum Fisheries Agency, on behalf of 12 Pacific Islands Governments, to conduct a regional workshop in October 2009 to address and prepare common positions for the negotiations for the South Pacific Regional Fisheries Management Organization, in accordance with paragraph 14 (c) of the Fund's terms of reference. The request was endorsed unanimously by the Panel;

(b) The Government of Senegal, in accordance with paragraph 14 (d) of the terms of reference, for assistance to enrol an officer in a university programme at a total cost of $5,830. The Panel of Experts did not approve the request. Furthermore, three Panel members proposed that paragraph 14 (d) of the Fund's terms of reference be clarified to exclude the possibility of the Assistance Fund being used to support individual scholarships;

(c) The South Pacific Commission, on behalf of 12 Pacific Islands Governments to conduct one-week regional tuna data workshop in April 2010 at the Commission's headquarters in Noumea, New Caledonia, in accordance with paragraph 14 (f) of the terms of reference. The request was endorsed unanimously by the Panel;

(d) The South Pacific Commission, on behalf of 12 Pacific Islands Governments, to conduct two one-week regional workshops in June and July 2010 at the Commission's headquarters in Noumea, in accordance with paragraph 14 (f) of the terms of reference. The workshops will address (i) an introduction to tuna biology and assessment; and (ii) advanced tuna stock assessment and ecological risk assessment. The request was endorsed unanimously by the Panel;

(e) The Government of Mozambique, in accordance with paragraphs 14 (d) and (f) of the terms of reference, for the possible establishment of a linked vessel monitoring system subregional network with the Seychelles Fishing Authority; training, implementation and further development of the Integrated Fisheries Statistics System, and technical assistance in the expansion of training and operations for the implementation of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and the 2009 FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. The total cost of the proposals was

$1,049,850. Pending the submission of a detailed budget, the Panel agreed to fund a part of the Government's second proposal at a maximum amount of $65,000.

9. The Pacific Islands Forum Fisheries Agency workshop was completed on schedule in 2009 and the projects of the South Pacific Commission will be completed in 2010. These projects will contribute to human resources development in the Pacific Islands and to the implementation of conservation and management measures adopted by the Western and Central Pacific Fisheries Commission. It is anticipated that the project in Mozambique, which will support capacity-building, will also be completed in 2010.

V. Assistance Fund travel allocations by State party

10. Table 3 (see annex) provides an allocation of travel expenditure by State party and by category of expenditure under paragraph 14 of the terms of reference for the period from 2006 to 2009. The number of States parties securing funding has been relatively stable over the period although there has been a marked upward trend in the amount of funds allocated.

VI. Assistance Fund allocations under FAO letters of agreement

11. FAO has entered into letters of agreement[4] with the Pacific Islands Forum Fisheries Agency and the South Pacific Commission, and is expected to do the same with the Government of Mozambique in 2010. Table 4 (see annex) provides details of the letters of agreement concluded by FAO. The award of financial assistance under letters of agreement resulted from applications for assistance that were considered and agreed upon by the Panel of Experts.

VII. Assistance Fund balance

12. As at 31 December 2009, the balance in the Assistance Fund was $151,241 (see tables 1 and 2). However, taking account of funds already committed for 2010 travel ($19,000), some administrative expenses ($6,000) and provision for the Mozambique project ($65,000), the Fund's current balance stands at approximately $61,241.

VIII. Conclusion

13. All applications for assistance for travel until 31 December 2009 are included in table 3. For letters of agreement all expenditures and unliquidated commitments since the inception of the Fund are included in table 4. The proportion of total

[4] A letter of agreement is an instrument setting forth the terms of agreement between FAO and a recipient organization for the production of specified outputs, which will contribute to the achievements of specific objectives through the supply of services and/or other work product(s). A recipient organization is a governmental, regional, intergovernmental, parastatal or other non-profit institution that will, whenever possible, be located in the country where the services are to be rendered or the materials used.

expenditure and commitments arising from applications for travel between 2006 and 2009 was 58.6 per cent with 38.9 per cent being devoted to expenditures and commitments under letters of agreement in 2008 and 2009. The balance of 2.6 per cent was due to administrative expenses incurred between 2006 and 2009.

14. The Assistance Fund was established and is being managed in accordance with its terms of reference, the FAO financial regulations and other applicable rules. The revision of the terms of reference at the seventh round of informal consultations of the States parties to the Agreement in 2008 has assisted in streamlining the management of the Fund. However, some further fine-tuning of the terms of reference is desirable to address issues that were not foreseen when they were elaborated and to take into account new situations that have arisen since that time.

15. The United Nations and FAO encourage States, intergovernmental organizations, international financial institutions, national institutions, non-governmental organizations and natural and juridical persons to make voluntary financial contributions to the Fund. The United Nations and FAO seek to ensure that the Assistance Fund maintains a healthy funding level so that support for the implementation of the 1995 United Nations Fish Stocks Agreement can be sustained.

Annex

Assistance Fund under Part VII of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

Table 1
Income account as at 31 December 2009
(In United States dollars)

Donor	*2004*	*2005*	*2006*	*2007*	*2008*	*2009*	*Total*	*Remarks*
United States of America	200 000	0	0	15 000	0	0	215 000	Received June 2004 and September 2007
Iceland	0	50 000	0	0	0	0	50 000	Received April 2005
Norway	0	95 475	0	0	0	0	95 475	Received May 2005
Canada	0	0	64 230	389 948	0	0	454 178	Received March 2006 and May 2007
Lebanon	0	0	0	0	0	2 000	2 000	Received July 2009
New Zealand	0	0	0	0	0	19 500	19 500	Received July 2009
Total contributions	**200 000**	**145 475**	**64 230**	**404 948**	**0**	**21 500**	**836 153**	
Interest	0	8 953	14 725	21 567	4 102	1 485	50 832	
Total funds	**200 000**	**154 428**	**78 955**	**426 515**	**4 102**	**22 985**	**886 985**	

Table 2
Expenditure account as at 31 December 2009[1]

(In United States dollars)

Terms of reference (para.)[2]	*Expenditure category*	*In pesos entitled:*				*Total expenditure*	*Total expenditure plus unliquidated commitments*[3]
		2006	*2007*	*2008*	*2009*		
14 (a)	Expenses for participation in meetings and activities of relevant regional fisheries management organizations	20 421 (30.5)	10 657 (52.0)	51 596 (35.4)	78 370 (23.6)	**181 044** **(30.0)**	181 044 (24.6)
14 (b)	Expenses for participation in high seas meetings of global organizations	45 729 (68.2)	1 862 (6.5)	59 702 (41.0)	74 488 (22.4)	**183 781** **(30.4)**	183 781 (25.0)
14 (c)	Ongoing and future negotiations to establish new regional fisheries management organizations	0 (0)	23 347 (39.6)	22 980 (15.8)	43 197 (13.0)	**89 523** **(14.8)**	95 783 (13.0)
14 (d)	Building capacity in relation to flag State responsibility, monitoring, control and surveillance, data collection and scientific research at a national and/or regional level	0 (0)	0 (0)	8 775 (6.0)	47 771 (14.4)	**56 546** **(9.4)**	56 546 (7.7)
14 (e)	Facilitating exchange of information and experience on the implementation of the Agreement	0	0	0	0	**0**	0
14 (f)	Supporting human resources development, technical training and technical assistance to support proper conservation and management	0	0	0	74 141 (22.3)	**74 141** **(12.3)**	199 420 (27.1)
14 (g)	Dispute settlement	0	0	0	0	**0**	0
21	Administrative expenses	800 (1.3)	1 100 (1.9)	2 640 (1.8)	14 550 (4.4)	**19 170** **(3.2)**	19 170 (2.6)
Total (percentage)[4]		**67 917** **(100)**	**58 972** **(100)**	**145 695** **(100)**	**332 521** **(100)**	**604 205** **(100)**	**735 744** **(100)**

[1] Some figures may be subject to revision. There were no expenditures from the Fund in 2004 and 2005.

[2] References are made to the relevant paras. of the terms of reference.

[3] Includes unliquidated commitments of $131,539 for two workshops of the South Pacific Commission (2010) ($125,279) and a workshop of the Pacific Islands Forum Fisheries Agency (2009) ($6,260).

[4] Some percentages may not add up to 100.0 due to rounding.

Table 3

Travel expenditure as at 31 December 2009: allocation by State party

(In United States dollars)

		Paragraph 14				
Year	Country (territory)	(a)	(b)	(c)	(d)	Total
2006	Fiji		3 967			3 967
	Guinea		6 394			6 394
	Maldives		3 063			3 063
	Marshall Islands		4 855			4 855
	Mauritius		6 073			6 073
	Namibia	5 580	3 529			9 109
	Niue	6 283				6 283
	Saint Lucia		2 553			2 553
	Samoa		6 300			6 300
	Senegal		3 195			3 195
	South Africa	2 868				2 868
	Uruguay	3 769	5 810			9 579
2006 total		**28 421**	**45 729**			**66 150**
2007	Belize	1 754				1 754
	Cook Islands			4 665		4 665
	Guinea	3 649				3 649
	Marshall Islands	2 963				2 963
	Federated States of Micronesia			12 058		12 058
	Niue	6 945		6 623		13 568
	Samoa		200			200
	Senegal	5 609	4 062			9 671
	South Africa	4 600				4 600
	Uruguay	4 932				4 932
2007 total		**30 457**	**3 862**	**23 347**		**57 866**
2008	Cook Islands	3 027	3 027	9 735		14 790
	Kiribati	5 986				5 986
	Maldives		4 300			4 300
	Marshall Islands	7 732	10 166			17 898
	Federated States of Micronesia	4 429		9 269		13 698
	Nauru	4 182	4 182			8 363
	Niue			4 976		4 976
	Palau	2 311				2 311
	Samoa	2 675	7 051			9 726

Year	Country/territory	Paragraph 14 (a)	(b)	(c)	(d)	Total
	Senegal	12 354	4 856			17 211
	Seychelles		7 504		4 756	12 260
	Tonga	2 906	11 130			14 036
	Uruguay	6 013	7 486		4 019	17 518
2008 total		**51 596**	**59 702**	**22 980**	**8 775**	**143 053**
2009	Cook Islands		5 288			5 288
	Guinea		4 544			4 544
	Kiribati		14 885	5 726		20 612
	Marshall Islands	6 449				6 449
	Federated States of Micronesia	44				44
	Mozambique		4 218			4 218
	Namibia		3 242			3 242
	Niue	3 804				3 804
	Samoa	3 968	5 375			9 343
	Senegal	13 334	19 603			32 937
	Seychelles	3 583	11 879			15 462
	Tonga	12 523	5 454	5 397		23 374
	Tuvalu	16 451				16 451
	Uruguay	19 213				19 213
2009 total		**78 370**	**74 488**	**11 123**		**163 981**
Total travel 2006–2009		**181 044**	**183 781**	**57 449**	**8 775**	**431 049** **58.6 per cent**
Letters of agreement[a] 2008–2009 (see table 4)						**285 525** **38.8 per cent**
Administrative expenses 2006–2009 (see table 2)						**19 170** **2.6 per cent**
Total expenditure and unliquidated commitments (see table 2)						**735 744** **100.0 per cent**

[a] The classification of expenditures are made in reference to the relevant subparas. of para. 14 of the terms of reference.

[b] Includes unliquidated commitments of $131,539 at the end of 2009.

Table 4
Letters of agreement: actual and committed expenditures

(In United States dollars)

Letters of agreement	*Terms of reference (para.)*	*Expenditure 2009*[a]	*Commitments 2010*	*Total*
Pacific Islands Forum Fisheries Agency: Preparation of regional plan of action for the conservation and management of sharks in the Pacific Islands[b]	14 (d)	47 771		**47 771**
Pacific Islands Forum Fisheries Agency: workshop on proposed South Pacific Regional Fisheries Management Organization: awareness on roles and responsibilities — capacity and participation of members.	14 (c)	32 074		**32 074**
Pacific Islands Forum Fisheries Agency: unliquidated obligation for workshop on proposed South Pacific Regional Fisheries Management Organization	14 (c)		6 260	**6 260**
South Pacific Commission[c]: Training workshop: third tuna data management workshop	14 (f)	24 205		**24 205**
South Pacific Commission[c]: Training workshop: tuna stock and ecological risk assessment	14 (f)	49 936		**49 936**
South Pacific Commission: Tuna stock data workshops (April 2010): data reporting obligations to the Western and Central Pacific Fisheries Commission regional stock assessments	14 (f)		45 758	**45 758**
South Pacific Commission: Tuna stock assessment, ecosystem and by-catch workshops (June-July 2010): interpretation and use information	14 (f)		79 521	**79 521**
Total		**153 986**	**131 539**	**285 525**

[a] Some financial commitments for the letters of agreement were made in 2008 but actually expended in 2009. For this reason there are no actual expenditures incurred in 2008.

[b] The shark plan developed by the Pacific Islands Forum Fisheries Agency in cooperation with other regional organizations for Pacific Island countries was reported on in 2008. It was completed in 2009, on schedule. The plan is available at: http://www.ffa.int/sharks.

[c] Includes unliquidated commitments of $131,539 at the end of 2009.